



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Pre. 9a

Applicants: Lara Madison, Gjalt W. Huisman, and Oliver P. Peoples

Serial No.: 09/235,875

Group Art Unit: 1711

Filed: January 22, 1999

Examiner: Not Yet Assigned

For: *TRANSGENIC SYSTEMS FOR THE MANUFACTURE
OF POLY(2-HYDROXY-BUTYRATE-CO-3-HYDROXYHEXANOATE)*

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
AND PRELIMINARY AMENDMENT**

Sir:

Responsive to the Notice to File Missing Parts of Application, mailed February 9, 1999,
applicants enclose the following for filing in the above-identified application:

1. Declaration of Inventorship executed by Lara Madison, Gjalt W. Huisman, and Oliver P. Peoples;
2. Form PTO-1533, mailed February 9, 1999;
3. Copy of the Assignment from Lara Madison, Gjalt W. Huisman, and Oliver P. Peoples to Metabolix, Inc.;
4. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(c) -- Small Business Concern) by Metabolix, Inc.;
5. Certificate Under 37 C.F.R. § 3.73(b) by Metabolix, Inc.; and
6. Check in the amount of \$506.00 to cover (i) the \$65.00 surcharge for a small entity for late filing of the Declaration of Inventorship; (ii) the \$380.00 basic filing fee for a small entity;

Adjustment date: 03/25/1999
02/01/1999 DBUTLER 0000007 09235875
-380.00 OP
-202.00 OP
02 FC:199

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RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION
AND PRELIMINARY AMENDMENT

(iii) the \$396.00 fee for 44 additional claims @ \$9.00 per claim; (iv) the \$130.00 multiple dependent claim surcharge; (v) the \$117.00 fee for 3 additional independent claims @ \$29.00 per claim; and (vi) less the \$582.00 already paid with the check transmitted with the application on January 22, 1999.

Applicants request entry of a Preliminary Amendment to amend Claim 31 as follows:


In the Claims

aa, SUB C5 31. (Amended) A genetically engineered organism for use in [any of] the method[s] of claim[s] 1[-30].

Applicants note that Form PTO-1533 incorrectly recites the number of independent claims over 3 and the number of dependent claims over 20.

Please charge any other fees due, or credit any overpayment, in connection with this matter to Deposit Account No. 01-2507. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: March 22, 1999
ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 W. Peachtree Street
Atlanta, Georgia 30309-3450
404-873-8794
404-873-8795 (fax)

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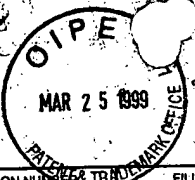
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Response to Notice to File Missing Parts of Application and Preliminary Amendment, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.



Jean Hicks

Date: March 22, 1999



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/235,875	01/22/99	MADISON	MBX020

PATREA L. PABST
ARNALL GOLDEN & GREGORY
2800 ONE ATLANTIC CENTER
1201 WEST PEACHTREE STREET
ATLANTA GA 30309-3450

0242/0209

NOT ASSIGNED

1711

DATE MAILED: 02/09/99

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 2,620.00.

- ☒ 1. The statutory basic filing fee is:
- ☐ missing.
 - ☒ insufficient.
- Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ 2,312.00, including any multiple dependent claim fees, are required.
- \$ 234.00 for 178 independent claims over 3.
 - \$ 1818.00 for 18 dependent claims over 20.
 - \$ 260.00 for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:
- ☐ is missing or unexecuted.
 - ☐ does not cover the newly submitted items.
 - ☐ does not identify the application to which it applies.
 - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date, is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Manie Jackson
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/29/1999 CUBRCH 00000050 09235875
380.00
65.00
117.00
396.00
130.00
FC201
02 FC205
03 FC203
04 FC204
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